

October 9, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, October 9, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: DeeDee Wright, Rodney Queen, Lou Manning, Elaine Stiller, Sean Reid, John Daniels, Jeff Smith, Ken Mowery, Eldridge Williams, Fred Dula, Brian Miller

ABSENT: Leigh Ann Loeblein

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelsen, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of September 25, 2001, were approved as published.

### **ZONING MAP AMENDMENTS**

Z-26-01 Home Buyers of Salisbury, Inc., Stokes Ferry Road near Wildwood Drive

Location: Located on the east side of Stokes Ferry Road near its intersection with Wildwood Drive

Size: Approximately 17,424 square feet

Existing Zoning: R-8 Single Family-8 Residential

Proposed Zoning: B-6 General Business

(a) Chairman Wright convened a courtesy hearing on Z-26-01.

Staff Planner Patrick Kennerly indicated this request was for rezoning a portion of the property located on Stokes Ferry Road. Approximately one-third of the property is already zoned B-6 General Business and the remaining two-thirds is zoned R-8 Single Family-8 Residential.

Those speaking in favor of the zoning change request:

Tim Ervin, President, Home Buyers of Salisbury, 3010 Faith Road – The expansion of Interstate 85 and East Innes Street is already creating the natural flow of commercial growth in this direction. A portion of the property is already zoned B-6 and is asking that the remainder of the property be rezoned to B-6. When asked if B-6 is the only district he would accept, Mr. Ervin indicated he would consider a compromise.

Those speaking in opposition to the zoning change request:

Mike Griggs, 105 Prestwick Court – His property abuts the property in question. If this property is rezoned for commercial, it will probably be clear-cut. Right now there is a nice wooded buffer from his house to Stokes Ferry Road.

John Waggoner, President of Prestwick Court Homeowners Association

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen – It may be good to drop the zoning back to B-1 at this stage. In the future, if the area changes a lot, perhaps the petitioner could come back and request B-6 at a later time.

Sean Reid – Agrees with Mr. Queen. Would be more reasonable to start off with a less intrusive district. Too many uses permitted in the B-6 district. This property abuts a neighborhood.

Ken Mowery moved to recommend rezoning the entire piece of property from R-8 Single Family-8 Residential and B-6 General Business to B-1 Office Institutional. The motion was seconded by Rodney Queen. All members voted AYE except John Daniels and Jeff Smith who voted NAY. The motion carried.

**GROUP DEVELOPMENT**

G-5-85 Bank of America (ATM), 1935 Jake Alexander Blvd. (Salisbury Mall)

An application has been submitted for the installation of an automated teller machine to be located at the Salisbury Mall. The Technical Review Committee recommends approval. On a motion by Sean Reid, seconded by Fred Dula, with all members voting AYE, the site plan was recommended to City Council for approval.

**SUBDIVISIONS**

S-6-01 Rowan Regional Medical Park, Corporate Circle at Julian Road

Ken Mowery was excused from the Board during discussion of this case.

This preliminary plat is for the completion of Corporate Circle off Julian Road and the creation of six lots for future development as medical offices.

City Engineer Dan Mikkelsen indicated there are two notations which must be added to the preliminary plat, engineering drawings and final plat to conform to the subdivision ordinance: (1) no driveway connection shall be authorized directly from lot 1 to Julian Road; and (2) setbacks for lot 1 shall be measured from the future 90' right-of-way of Julian Road.

The Technical Review Committee has several recommendations relative to implementation of new subdivision standards that were adopted in April.

(A) The first recommendation is that sidewalks are required on both sides of the new portion of Corporate Circle and in front of lot 1 on Julian Road. The code also requires the sidewalk to be located at the edge of the right-of-way, but it may be difficult to do so along Julian Road (lot 1) where a drainage ditch exists. Staff recommends that the location of the sidewalk (relative to the right-of-way) for lot 1 be determined during Engineering design. John Stone, with Marshall Erdman and Associates, is the architect for the master plan. The required sidewalk along Julian Road would be considerably higher than the property. There is probably an elevation change from the ground to the road in the neighborhood of 10 feet along that

roadway. Building a sidewalk from the property to Julian Road at that elevation would be costly. DOT also has plans to widen Julian Road which would necessitate the removal of any sidewalk. The sidewalk would extend to Town Creek where there is only a two-lane bridge without any existing sidewalks. Any monies that would be expended at this point would not serve the community and would be a burden on his client to install that sidewalk. On a motion by Brian Miller, seconded by Rodney Queen, with all members voting AYE except Eldridge Williams who abstained, the Board recommended granting relief from standards for the sidewalk for lot 1 along Julian Road.

(B) A stub of Corporate Circle approximately 230' long was constructed by Rowan Regional before sidewalks became a standard requirement. The Technical Review Committee recommends that sidewalks be required along both sides of the existing 230' street stub to avoid leaving gaps. On a motion by Brian Miller, seconded by Fred Dula, with all members voting AYE, the Board recommended approval as per staff recommendation.

(C) Corporate Circle will exceed the new 800' maximum distance between intersections; however, the proposed extension is in substantial conformance with the alignment of Corporate Circle that was planned in the late 1980s when the first part of Corporate Circle was built. Technical Review Committee recommends that relief from the standard be granted in accordance with section 5.05.2 of the subdivision ordinance. On a motion by Brian Miller, seconded by John Daniels, with all members voting AYE, the Board recommended approval as per staff recommendation.

Fred Dula moved to authorize the Planning Board chair to sign the preliminary plat subject to the two required notations and the above recommendations being added to the preliminary plat. The motion was seconded by Brian Miller with all members voting AYE.

#### S-7-01 South Crest Business Park (Parkdale Mills), South Main at Hedge streets

This preliminary plat is for property owned by Parkdale Mills off South Main Street across from their existing mill. In Phase 1, existing Hedge Street will be removed, and a portion of Kizer Street will be realigned. A new industrial street with a landscaped entrance will be constructed to replace Hedge Street. John Sarn, Director of Corporate Real Estate for Parkdale Mills, was present at the meeting.

City Engineer Dan Mikkelsen indicated that the following notation must be added to the preliminary plat, engineering drawings and final plat in order to conform to the subdivision ordinance: no driveway connection shall be authorized directly from Parcel 4 to South Main Street. Other necessary requirements include: (1) street names must be reviewed and approved by Rowan County; and (2) the developer must submit an application to close the unopened and abandoned portions of Hedge and Kizer streets.

The Technical Review Committee has made the following recommendations relative to relief from the new subdivision standards adopted in April.

(A) Sidewalks are required on both sides of all new streets at the edge of the right-of-way. The developer is proposing to dedicate a right-of-way that is slightly wider than minimum

and requests approval to install the sidewalk along South Crest Parkway a uniform distance of eight feet behind the curb. TRC recommends approval. On a motion by Jeff Smith, seconded by Lou Manning, with all members voting AYE, the request was approved.

(B) Sidewalks are required along the frontage of any existing thoroughfare adjacent to the subdivision. This standard applies to Parcel 4, with about 200' of frontage on South Main Street. The developer has requested relief from the sidewalk requirement for Parcel 4 in accordance with Section 5.03.3.a of the subdivision ordinance. TRC does not support relief, but the request is not unreasonable. On a motion by Jeff Smith, seconded by Ken Mowery, with all members voting AYE, relief from this requirement was granted.

(C) Cottage Street is an existing, substandard street that is not required to be improved by either the city or the developer. The developer has proposed to share in the cost of making improvements to portions of Cottage Street. No sidewalk is required for improvements to existing streets; however, TRC recommends that sidewalks be included on both sides of any portion of Cottage Street that is improved. Sean Reid moved that the Board recommend not requiring the installation of sidewalks on both sides of Cottage Street. The motion was seconded by Jeff Smith with all members voting AYE.

(D) Approximately 150' of Kizer Street will be extended to intersect with South Crest Parkway. Kizer Street is substandard. TRC does not feel it would be reasonable for the 150-foot extension to have curb, gutter and sidewalk when the rest of Kizer does not. TRC recommends that design standards for the extension of Kizer Street be modified to match the existing street in accordance with Section 5.03.3.a of the subdivision ordinance. Brian Miller moved to approve the TRC's recommendation. The motion was seconded by John Daniels, with all members voting AYE.

(E) Phase 1 of South Crest Parkway will meet the new 800' maximum distance between intersections. Future phases will not. The 800' requirement between intersections that is now in the code was put in the code intending to apply to residential development. Industrial lots are frequently 10 to 20 acres with street frontages that may exceed the 800' distance. TRC is recommending that this part of the subdivision ordinance be reviewed and consider providing some other standard for industrial or nonresidential development. When future phases of this subdivision come in for approval, this part of the ordinance will be adjusted. The Legislative Committee will consider this matter. No action by the Board is required.

Ken Mowery moved to authorize the Planning Board Chair to sign the preliminary plat once it has the required notation added, appropriate street name selected, along with the standard provisions with special emphasis on stipulations 6 and 7. The motion was seconded by Brian Miller with all members voting AYE.

#### S-8-01 Fuchs Systems, Inc., West Innes Street

The proposal is for the division of the 7.9-acre tract into two tracts. A metalworking company has offered to purchase the rear tract (tract 1), and a new medical office has offered to purchase the office building in the front of the property (tract 2). Tract 1 would not have street frontage. The two buyers have agreed to deed the existing driveway to tract 1 which gives the

industrial property some street frontage. This plat does not meet standards of two sections of the subdivision ordinance: Section 5.02.14 which prohibits pipestem lots (technically, tract 1 will be a pipestem lot) and Section 5.02.14.c.2 which requires 100 feet of width at the building setback line (plan shows a 60-foot frontage tapering to less than 50 feet). Planning Board has the authority to grant relief on a case-by-case basis where strict adherence to the ordinance would cause unnecessary hardship.

Ms. Wright expressed her concern with tract 1 being zoned M-2 Heavy Industrial, is near a local historic district, and is adjacent to the Jersey City neighborhood. Mr. Mowery stated that this property has been used as a steel mill since the 1940s, a concrete plant has been in operation on this property, and a railroad siding with a separate spur track meant to load and unload railroad cars is also located behind the property. Any continuation as a use for steel pipe activities would not be in conflict with what has, historically, gone on there.

Following discussion, Sean Reid moved to approve the preliminary plat as presented. The motion was seconded by Rodney Queen.

To clarify the motion, Sean Reid offered a friendly amendment to grant hardship relief to the subdivision ordinance for tract 1. The motion was seconded by Rodney Queen with all members voting AYE except DeeDee Wright who voted NAY.

The original motion was carried with all members voting AYE except DeeDee Wright who voted NAY.

## **COMMITTEE REPORTS**

(a) Z-21-01 Greer Goodman, Town Creek and I-85 – Ken Mowery gave the committee report. It was brought out at the committee meeting that Mr. Goodman does not own the property being requested for rezoning. However, he does own adjoining property between Mrs. Messinger's property and the interstate. Parts of both the Messinger and Goodman properties are within the Sign Overlay B area where a billboard could be placed. The committee discussed the Salisbury 2020 Plan policy C-13 which states that city policies and ordinance shall prohibit billboards. The committee also had concerns with the realignment of York Road due to the Interstate 85 widening project. The committee is recommending denying the request. The recommendation comes to the Board as a motion to deny. The motion was seconded by Sean Reid with all members voting AYE except John Daniels who voted NAY. The motion carried.

(b) Z-24-01 John Leatherman, Jake Alexander Blvd. and N. C. 150 – John Daniels reported for the committee. Mr. Leatherman has submitted a new zoning proposal. His previous request (Z-24-01) was to rezone two lots from B-7-S Special Limited Business District to B-7 Limited Business District. His new request (Z-24S-01) is to maintain the existing B-7-S district and add a number of permitted uses to the ones already approved for this property. The committee feels that after meeting with the petitioner and a representative of CCB, the new proposal meets the requirements and desires of everybody involved. The petitioner would also like to include the use "car rentals" as a permitted use in this B-7-S district. This use is presently not in the zoning district. In addition, the committee is recommending reducing the 14 restrictions (conditions)

previously approved for this property to four due primarily to the redundancy within the list and the unnecessary nature of some of them.

The committee recommends the following: approve the revised B-7-S special use permit application with additional permitted uses; reduce the 14 restrictions (conditions) on the property to four; and approve a text amendment to allow “car rentals” as a permitted use in the B-RT, B-4, B-5, B-6, M-1, M-2, LLI, and LLI-2 districts and to allow “car rentals, with no sale of automobiles” as a permitted use in the B-7 district. The recommendation comes to the Board as a motion to approve. The motion was seconded by Lou Manning with all members voting AYE.

(c) Transportation Committee – Fred Dula gave the committee report. The committee reviewed the list of nine Unfunded TIP Projects (projects not yet scheduled for construction) and is recommending that the Jake Alexander Boulevard Extension between Stokes Ferry Road and the future U. S. 52 alignment be moved from third priority on the list to the highest priority. What had been the number one priority, the Old Concord Road widening from Town Creek to Summit Corporate Center, would then move from the highest priority to the third priority. The remaining seven items would retain their existing priority on the list. On a motion by Fred Dula, seconded by Sean Reid, with all members voting AYE, the Board approved the renumbering of the nine Unfunded TIP Projects.

Another section in the Transportation Improvement Program involves Other City Transportation Efforts. The committee is recommending adding a sixth project to the Small Urban Projects list for the widening of Faith Road from Innes Street to Jake Alexander Boulevard. On a motion by Fred Dula, seconded by Brian Miller, with all members voting AYE, the Board approved adding this project to the Small Urban Projects list.

Staff suggested the need for an easier route for Food Lion trucks to travel from the distribution center off Harrison Road to westbound U. S. 70. City Engineer Dan Mikkelsen indicated in order for this to happen, the city will need to update its Thoroughfare Plan to show this potential new road alignment. Only then could this project be listed on the TIP. On a motion by Fred Dula, seconded by Ken Mowery, with all members voting AYE, the Board recommended updating the Thoroughfare Plan to show this new Harrison Road/U. S. 70 connection.

(d) Legislative Committee – Sean Reid gave a status report on the issue of permitted uses in the B-CS district, especially ABC stores and convenience stores.

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary